IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 34419 of 2007(V)

PETITIONERS:

1. MOIDEEN, AGED 65 YEARS,
   S/O. ABDULLA, PUTHENPEEDIAKKAL HOUISE,SHORNUR P.O.

2. ASSAINAR, S/O. MOIDEEN RAUTHER,
   AGED 70 YEARS, VATTAPARAMBIL HOUSE,
   CHERUTHURUTHY P.O., THRISSUR DISTRICT.

3. RIYAS, S/O. SALEEM,
   AGED 18 YEARS, VATTAPARAMBIL HOUSE,
   CHERUTHURUTHY P.O., THRISSUR DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

1. SHORANUR MUNICIPALITY,
   REP. BY ITS SECRETARY, MUNICIPAL OFFICE,SHORANUR.

2. THE ENVIRONMENTAL ENGINEER,
   POLLUTION CONTROL BOARD, PALAKKAD.

3. THE MUNICIPAL COUNCIL,
   SHORANUR MUNICIPALITY, MUNICIPAL OFFICE,SHORANUR.

R1 & R3 BY ADV. SRI.TAJUDEEN, SC.
R2 BY ADV.SMT.K.K.THULASI BHAI, SC, PCB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 34419 OF 2007

Dated this the 23rd day of November, 2007

JUDGMENT

Sri.Thajudeen enters appearance on behalf of respondents 1 and 3 and Smt.K.K.Thulasi Bai, Standing Counsel enters appearance on behalf of 2nd respondent. The petitioners are meat vendors conducting sale of meat in shops belonging to the 1st respondent Municipality. Their grievance is that without notice to them, the shops in which they were conducting sale of meat were forcibly closed by the Municipality and Exts.P11, P12 and P13 are the mahazers prepared at the time when they were dispossessed from the rooms in question.

2. Heard Sri.Santheep Ankarath, learned counsel for the petitioner and Smt.Thulasi Bhai. Mr.Santheep submits that the closure of the shop rooms has resulted in deprivation of the only means of livelihood which the petitioners were having. By referring to Section 452 of the Municipalities Act, Mr.Santheep submitted that it is the obligation of the Municipality to establish slaughter house. The municipality having not discharging that obligation the petitioners are having the animals slaughtered in their own private premises. The slaughtering of the animals are being done in a very scientific manner and a competent Veterinary doctor will be ready and willing to issue certificates in favour

of the petitioner to that effect. Both the slaughtering of the animals and the meat produced, are very hygienic. The slaughtering, counsel submits is not causing any inconvenience to the neighbouring public. Counsel submitted that Ext.P14 representation has been submitted before the Municipality and the Municipality be directed to take an early decision on Ext.P14 and be further directed to permit the petitioners to continue to do their business pending decision on Ext.P14. Mr.Tajudeen submitted that the Municipality became obliged to close down the meat stalls which were conducted by the petitioners only because of the order of the Supreme Court in WP(C) 309 of 2003 which is a general order issued by the Supreme Court for ensuring the general hygiene in meat stalls.

3. Having considered the rival submissions addressed at the Bar and particularly the apparent position that closure of the shops of the petitioners was made abruptly and without notice to the petitioners, I am of the view that the Municipality should consider the grievances voiced by the petitioners in Ext.P14. Accordingly, the writ petition will stand disposed of issuing the following directions:

The 1st respondent will hear the petitioners on Ext.P14 and in the light of the various grounds raised in the Writ Petition and take an early decision. Decision as directed above shall be taken by the Municipality

within one month of the petitioners producing a copy of this judgment and copy of the Writ Petition before them. In the meanwhile, the Senior Environmental Engineer of the 2nd respondent, Pollution Control Board, is directed to conduct an inspection of the petitioners premises where slaughtering of animals is being conducted by the petitioners and submit a report to the 1st respondent regarding the claim of the petitioners that slaughtering of the animals is being conducted in a hygienic manner and without causing any inconvenience to the neighbouring public. The petitioners will also have the quality of the meat certified by a competent Veterinary Surgeon and will produce the certificate issued by the Veterinary Surgeon in that regard before the 1st respondent. If the certificate/report as mentioned above are submitted by the petitioners before the 1st respondent Secretary, the 1st respondent will re-open the shop rooms covered by Exts.P11, P12 and P13 and permit the petitioners to continue to do the business subject to the final decision to be taken by the 1st respondent on Ext.P14.

PIUS C. KURIAKOSE, JUDGE

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